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A
DEFENCE
OF
Sir Robert Filmer,
Against the
MISTAKES
AND
MISREPRESENTATIONS
OF
Algernon Sidney, Esq;
IN A
PAPER

Delivered by him to the Sheriffs upon the
Scaffold on Tower-Hill, on Fryday December
the 7th 1683. before his Execution there.

Qui deliberant, disciverunt. Tacit.

L O N D O N,
Printed for W. Kettilby at the Bishops Head in
St. Paul's Church-yard. 1684.

DEFENCE

FOR THE

MIS

MISSISSIPPI



PAID

Received by the State of Mississippi
for the sum of \$100.00
the 1st day of January 1822

Printed for the State of Mississippi
by J. B. R. 1822

A
D E F E N C E
 O F
Sir Robert Filmer.

I AM not of the number of those, who delight to rake in the Ashes of the Dead ; and had this unfortunate Gentleman spared the memory of *Sir Robert Filmer*, or treated him with more Truth and Generosity, I would never have appeared against him, how much soever I detest the Cause of his Ruine; for I think Death a sufficient Punishment even for Treason, and would rather commiserate the misery, and folly of Mankind, in being engaged in such lewd, and wicked Practices, as should hurl them into an Ignominious and Untimely Grave, than insult over them that are so *unfortunate*.

But when Persons of Noble Birth, and great Estates, the Favourites of Heaven and Earth; whose infancy promiseth a great Honour and Happiness to their Country : When these Morning Stars, I say, degenerate, and become the Plagues and Miseries of the Age; when they endeavour to undermine that Throne, which hath distinguished them, or their Ancestors from the Populace, and affixed descending Honours upon their Families, when such as these prove not only ungrateful but unnatural, if it were in my power, their Memory should perish with them, that when-ever this happened, Posterity might stand amazed at it, as a New and Monstrous thing.

But this Gentleman might have claimed from me, a greater degree of Pity than some other, upon the account of the time of his Birth, and Education. For *he was*, as he tells us in the end of this Paper, *engaged from his Youth in the Old Cause*, and had according to the Cant of those Times imbibed an Opinion, that *God had often wonderfully declared himself for it*. And some men, being once thoroughly seasoned with any thing, become thereby so prejudiced, that they are never after able to deliver their Souls, and to say, is there not a Lye in my right hand ! And tho' these may justly be cut off, they being the worst, most incurable, and dangerous Members of a Society, yet Humanity will teach us to in-

terr them with Silence, and Sorrow, as we do the Putrified and Gangreen'd Members of a Living Body.

But when such as these, unsatisfied with the Mischief they have done in their Lives, shall endeavour to intail their Ills upon Posterity, and defame the Memory of Virtuous Men, who are dead, and not able to answer for themselves, this is so Barbarous, and Destructive, that I think every man is obliged to defend the Common Interest, who would be willing to have his Good Name flourish after Death. And this, and nothing else, hath engaged my Pen on the behalf of a Gentleman, who was known to me by nothing but his Learned, and Ingenious Works, and in all probability died when I was an Infant.

I will be as short, and put as little Gall into my Ink, as is possible, for the sake of Mr. *Sidney's* Relations, and if I happen to speak some things, that have been said by others upon this very Paper before, I humbly bespeak the Pardon of the World, for I have not seen one of those Papers, that have been Printed upon it.

Tho' the Season of the Year, the Infirmities of his Age, encreased by a close Imprisonment of above five Months, might be allowed as reasonable Causes, why he should not speak much at his Execution; yet in my poor judgment, they will afford him little excuse either for what he hath, or what he hath not delivered in Writing, since he was pleased to take that way: For it had been as easy, and much more becoming a Christian, a Subject, and a Martyr, as he seems desirous to be thought, to have told the World, whether he were Guilty, or not, of the things laid to his Charge, than to Arraign his Judges; to have exhorted the People to Loyalty and Obedience towards their Gracious King, and to have prayed for the Peace, and Prosperity of his Prince, and Country, as to complain of the Age, and yet at the same time endeavour to make it worse, by an unseasonable, and unbecoming Declamation.

We live, saith he, in an Age that maketh Truth pass for Treason: I dare not say any thing contrary unto it, and the Ears of those that are about me will probably be found too tender to hear it.

It is very strange, that Truth and Treason should of late become such near Allies, that a cautious, a dying man should fear they might be mistaken one for the other on the Scaffold. A modest man at that time would have looked a little jealously however upon such a parcel of Truths, and have suspected them for falsehoods, and delusions, or at least have suspended his Judgment for a few Minutes, till Death might have dissipated that Mist of Mortality, which as probably might have misled him, as all those that were about him.

But whatever his Opinion was, there was no reason for the Complaint, whatever he had spoken, or written could make his Condition no worse in this World. And he knew, no man better, that the Age in which we live permits a licentious Liberty to all, --- *Rara Temporum felicitate, ubi sentire quæ velis, & quæ sentias dicere licet*, to think what they please, and to speak (almost) what-
ever

ever they think, at least I believe this Rare Felicity, was never more abused, than in the Age in which we live; and if there were never another Instance to be given of it, the Printing his Paper would satisfie Posterity, this Complaint was neither reasonable nor well grounded.

But, alas! this Gentleman had taken up a Set of Opinions, which are, and ever will be accounted Treasons in all Governments, but Pure Democracies, to the end of the World. And I am perswaded the Pretended Common-Wealth of *England* would hardly have endured such Doctrines, as he hath broached in this Paper: At least I am sure it was contrary to their Interest.

What he hath said concerning the Evidence given against him, and the Lord *Howard*, I shall leave to others, my Chief concern being with the Papers, and not with them, neither as they were produced to prove Mr. *Sidney* Guilty, but as written against Sir *Robert Filmer's* Patriarcha, or, the Natural Power of Kings.

This (the Testimony by word of Mouth) being laid aside, (saith he) the whole Matter is reduced to the Papers, said to be found in my Closet by the Kings Officers, without any other Proof of their being written by me, than what is taken from Suppositions, upon the Similitude of an Hand, that is easily Counterfeit, &c.

But was it only said, that they were found in his Closet? Was it not Sworn by a Gentleman, against whose Credit Mr. *Sidney* had nothing to object, at the Tryal? And was not all the care imaginable taken that no Counterfeit Papers might be foisted in afterwards, by Sealing them up in a Trunk, and Mr. *Sidney* himself de- Tryal. p. 21. sired to set his Seal too on them for his further assurance? Such groundless, and almost impossible Surmises as these, betray a bad Cause supported with much wilfulness.

But that which follows is much worse. For tho' we should grant it no very difficult thing to Counterfeit a Name, or a few Lines, who can think so large a Discourse, as that Printed in his Tryal, and yet it was not the fiftieth part of the whole, that was produced, Pag. 2. and not the tenth of that offered to be read, as he tells us in this Paper. Can any man in his right Wits, think, any man could, or would counterfeit at this prodigious rate? He tells us in his Tryal, If these Papers are right it mentions 200 and odd Sheets. A Pag. 34. A bold and unheard of Undertaking, to pretend to Counterfeit so much. And strange must be the Legerdemain that could get them into the Study so opportunely. *Que sic mihi narras, incredulus odi.*

But the crafty Rogue did not only Counterfeit his Hand so exactly, that they, that were best acquainted with it, swore they believed it was all written by Mr. *Sidney*, but hit his Judgment too; so that he said at his Tryal, *I do not know whether they are my own or no,* (which if they had been Counterfeit, he could not have said) *but these very Papers, such as they are, do abhor, as much as* Pag. 32. *any one can, such a Design.* Which he could never have said neither, if that had been the first time he had ever seen them: As he seems to insinuate at his Tryal, *p. 26.* when he replied, *My Lord, let him give an account of it (the Libel) that did it.* Nor hath he

retracted one Title in this his last Paper, of that which was read at his Tryal, but rather confirmed it, and in all probability the Truths, he so feared would be taken for Treasons, may all be found in those Papers. I had not insisted so long on this, but to shew the temper of the man, and to shew the Reader how just it is, he should not too easily believe the Account he gives of Sir Robert Filmer.

He goes on thus, *But if I had been seen to Write them, the matter would not be much altered, They plainly appear to relate unto a large Treatise written long since, in Answer to Filmer's Book, which by all Intelligent men is thought to be grounded upon Wicked Principles, equally pernicious unto Magistrates and People.*

Why, if there was so little in it, why was all this pains taken to insinuate an Opinion into the minds of men, that they might possibly (for he no where affirms it positively) be Counterfeit? And it was much less excusable to do it in this Paper, than at his Tryal: Here he ought to have laid by all his Arts, and Disguises, and with the freedom of a dying man have told the world, whether that Libel were his, or no, for whatever he might think at the Bar, he was sure on the Scaffold it could not hurt him any further.

But as nice as he is in this, he tells us pretty roundly, what his Opinion is of *Filmer's Book*, and no man must pass for an Intelligent man, who shall presume to be of another judgment. In very good time! Are all the Intelligent men in the world become Republicans? For I am confident no other man can approve of this Censure; and it will pose a wiser man, than he ever was, to prove any one of Sir R. *Filmer's Principles* (without wresting) wicked or pernicious to any other Magistrates, or People, but such as have itching Fingers to be plucking down their Princes, and calling them to account, and revenging their own supposed Wrongs on them. And for such Magistrates, such People, none but Traytors would concern themselves in a Monarchy, any otherwise than to detest and abhor them and their pernicious Principles.

Having thus passed a general Censure upon Sir R. *Filmer's Book*, he comes in the next place to a more particular, which runs thus,

pag. 2.

If he might publish unto the world his Opinion, That all men are born under a Necessity derived from the Laws of God and Nature, to submit unto an absolute Kingly Government, which could be restrained by no Laws or Oath; and that he, that hath the Power, whether he came unto it by Creation, Election, Inheritance, Usurpation, or any other way, had the Right, and none must oppose his Will, but the Persons, and Estates of his Subjects must be indispensably subject unto it; I know not why I might not have published my Opinion to the contrary, without the breach of any Law, I have yet known.

These are his words, and it is my duty to enquire how far he hath truly represented Sir Robert *Filmer's* judgment.

And as to his first Proposition, *That all men are born, &c.* I believe he will not be able to shew it me in terminis any where in Sir R. *Filmer's Works*, but I think I can shew him the contrary, *Patriarcha*, p. 6.

I am not to question, or quarrel at the Rights, or Liberties of This, or any Other Nation, my task is chiefly to enquire from whom These first came,

came, not to dispute what, or how many these are ; but whether they were derived from the Laws of Natural Liberty, or from the Grace and Bounty of Princes. My desire and hope is, that the People of England may, and do enjoy as ample Priviledges, as any Nation under Heaven ; the greatest Liberty in the World (if it be duly considered) is for a People to live under a Monarch, it is the *Magna Charta* of this Kingdom, all other shews or pretexts of Liberty, are but several degrees of Slavery, and a Liberty only to destroy Liberty.

And after this, pag. 53. he hath these words, *Indeed the world for a long time knew no other sort of Government; but only Monarchy. The best Order, the greatest Strength, the most Stability, and Easiest Government, are to be found all in Monarchy, and in no other Form of Government.* And he doth every where prefer Monarchy before all other Forms, but that he hath any where condemned Aristocracies, or Democracies, as contrary to the Laws of God, and Nature, is not to be shewn in him; tho' at the same time he owns Monarchy, as *Aristotle* did, to be the First, the Natural, and the Divine Form of Government, p. 53. But to infer from hence, That all men are born under a Necessity, derived from the Laws of God and Nature, to submit unto an absolute Kingly Government, is such a Consequence as nothing but passion could draw from those Principles. * For tho' Monarchy should be yielded to be the best, it will not follow, that all other Forms are unlawful, tho' it will, that they are not so natural, so easie, safe, and convenient.

* Grotius
de jure Belli
& pacis. l. 2.
Cap. 5. Sect.
9. n. 3.

Nor are all Monarchies equally absolute, for tho' it is Essential to a Monarch to be *inviolatus*. That is free from Coertion and Punishment, and *Legibus solutus*. That is free from the Coactive Power of Laws, as Sir R. Filmer hath it p. 91. So that what ever he doth, his Subjects cannot call him to an account, or punish him. Tho' I say these things are Essential to all Monarches, as such; yet it will not presently follow, that all Monarches have equal Powers, because tho' at first they were all equal, yet since some of them have granted to their Subjects greater Priviledges, than others have; and so, tho' the People cannot claim them, as Natural Liberties, nor resist their Princes with Force, and Arms, if they be invaded: Yet they may petition them, to continue to them the Grace, and Bounty of their Ancestors. And such Princes are bound so to do, not out of Fear of punishment from their Subjects, but that they may have the Love, and Advance the Welfare of their Subjects, which is indeed their own.

Grot. de J. Belli, l. 2. Cap. 4. *Se per modum Legis, id est superioris, obligare nemo potest: & hinc est quod Legum Auctores habent jus Leges suas mutandi:* This freedom from the Coactive power of Laws is common to all forms of Government. And belongs to the Person or Persons in whom the Supreme Power is lodged, and is of Absolute Necessity, because no Government can subsist without it. Patriarch. pag. 99. Vide Suarez de leg. lib. 1. Cap. 8. Sect. 9. lib. 3. Cap. 34. Sect. 3. *Nemo potest sibi ipsi precipere, inducendo obligationem — quia preceptum postulat dominium: Nullus autem potest jurisdictionem in se habere, nec sibi ipsi esse subiectus.*

That this is agreeable to Sir Robert Filmer, appears, pag. 93. (Sect. 6.) Now albeit Kings, who make the Laws, be (as King James doth teach us) above the Laws; yet will they rule their Subjects by the Law; and a King Governing in a Setled Kingdom, leaves to be a King, and degenerates into a Tyrant, so soon as he seems not to Rule according to his Laws; yet where he sees the Laws rigorous, or doubtful, he may mitigate, and interpret. And a little after, altho' a King do frame all his Actions to be according to the Laws, yet he is not bound

thereto, but at his good will, and for good example; Or so far forth as the General Law of the safety of the Common-weale doth naturally bind him; for in such sort, only Positive Laws may be said to bind the King, not by being Positive, but as they are naturally the Best or Only means for the preservation of the Commonwealth. By this means are all Kings, even Tyrants and Conquerors, bound to preserve the Lands, Goods, Liberties and Lives of all their Subjects, not by any municipal Laws of the Land, so much as the Natural Law of a Father, which binds them to ratifie the Acts of their Fore-fathers and Predecessors, in things necessary for the Publick Good of their Subjects.

Principem non ligari Legibus, scilicet, quoad vim Coactivam. v. quia Coactio ex intrinseca ratione sua postulat, ut ab extrinseco proveniat. Ergo Princeps non potest cogere seipsum per suam Legem. Nec etiam cogi potest a subditis, quia nullus Inferior potest violentias manus inijcere in Superiorem, nec etiam potest cogi ab aequali, qui non habet in illum Jurisdictionem, nec denique a Superiore, quia agimus de Principe, qui Superiorem non habet, &c. Suarez de Leg. 3. cap. 34. Sect. 15. Pena per se fertur in invitum & ideo ferri non potest nisi ab habente Superiorem potestatem in alium tanquam sibi subditum. Ibid.

These are the very words of that Author, and much more there is to the same purpose in this piece; so that tho' Mr. Sidney says, *That the Regal Power could be restrained by no Laws, i. e. that it must of necessity be Tyrannical, according to Filmer's description of it*; yet this is a great mistake, for a Man may be as firmly bound by his Interest, by the fear of God, by Conscience, &c. as by the fear of Punishment, and these are common to Princes with their

Subjects; and indeed, even amongst Subjects, where the fear of Punishment is the only motive, the Obedience is weak, irregular, unsteady, and for the most part of no long duration.

His next Complaint is, *That, according to Sir R. Filmer, the Regal Power could not be restrained by any Oaths.* Now let us see, in the next place, what Filmer saith for that, and we shall find it, Patriarcha, pag. 95. (7.) Others there be that affirm, that although Laws of themselves do not bind Kings, yet the Oaths of Kings, at their Coronations, tye them to keep all the Laws of their Kingdoms. How far this is true, let us but examine the Oath of the Kings of England at their Coronation, the Words whereof are these. *Art thou pleased to cause to be Administred in all thy Judgments indifferent and upright Justice, and to use discretion with Mercy and Verity? Art thou pleased that our upright Laws and Customs be observed, and dost thou promise, that those shall be Protected and Maintained by thee?* These are the Articles of the Kings Oath, which concern the Laity, or Subjects in general; to which the King answers affirmatively; being first demanded by the Arch-Bishop of Canterbury, *Pleaseth you to confirm and observe the Laws and Customs of Antient Times granted from God, by just and devout Kings, unto the English Nation, by Oath unto the said People, especially the Laws, Liberties and Customs, granted unto the Clergy and Laity by the Famous King Edward.* We may observe, in these Words of the Articles of the Oath, that the King is required to observe not All the Laws, but only the Upright, and that with Discretion, and Mercy. The word, Upright, cannot mean all Laws, because in the Oath of Richard the Second, I find evil, and unjust Laws mentioned, which the King swears to abolish. — So that in effect the King doth Swear to keep no Laws, but such as in his Judgment are Upright, and those

those not literally always, but according to the Equity of his Conscience, joyned with Mercy, which is properly the Office of a Chancellor rather than of a Judge; and if a King did strictly swear to observe all the Laws, he could not without Perjury give his consent to the Repealing, or Abrogating of any Statute by Act of Parliament, which would be very milchievable to the State.

But let it be supposed for truth, that Kings do swear to observe all the Laws of their Kingdoms, yet no man can think it reason, that Kings should be more bound by their voluntary Oaths, than common Persons are by theirs. Now if a private Person make a Contract, either with Oath, or without Oath, he is no further bound than the Equity, and Justice of the Contract ties him; for a man may have relief against an unreasonable, and unjust promise, if either Deceit, or Error, or Force, or Fear induced him thereunto; or if it be hurtful, or grievous in the performance. Since the Laws in many Cases give the King a Prerogative above common persons, I see no reason, why he should be denied the Priviledge, which the Meaneest of his Subjects doth enjoy.

These are Sir R. Filmer's own words, and now let the Reader judge, whether Mr. Sidney have truly represented him in this particular. I come now to his next particular, which is about acquiring the Right of Dominion, wherein Mr. Sidney represents Sir R. Filmer's Opinion in these words: *And that he, that hath the Power, whether he came unto it by Creation, Election, Inheritance, Usurpation, or any other way, had the Right.*

That is, had an equal right, for so it must be understood. Now of these, the first, *Creation*, is not mentioned in Sir R. Filmer, and is non-sense, when it is applyed to a Sovereign Prince; the other two, *Election* and *Inheritance*, are not quarrel'd; but upon the last, Mr. Sidney spends all his forces: Before I consider what he hath said, I will represent Sir R. Filmer in his own words. *Patriarcha*, pag. 22.

If it please God for the Correction of the Prince, or Punishment of the People, to suffer Princes to be removed, and others to be placed in their rooms, either by the Factions of the Nobility, or Rebellion of the People; in all such Cases, the Judgment of God, who hath power to give and to take away Kingdoms, is most just; yet the Ministry of Men, who execute Gods Judgments without Commission, is sinful and damnable. God doth but use and turn Mens Unrighteous Acts to the performance of his Righteous Decrees.

In all Kingdoms, or Common wealths in the World, whether the Prince be the Supreme Father of the People, or but the true Heir of such a Father, or whether he come to the Crown by Usurpation, or by Election of the Nobles, or of the People, or by any other way whatsoever: or whether some few, or a Multitude govern the Common-Wealth; Let still the Authority that is in any one, or in many, or in all these, is the only right and natural Authority of a Supreme Father. There is, and always shall be continued to the end of the World, a Natural Right of a Supreme Father over every Multitude, although by the secret Will of God, many at first do most unjustly obtain the Exercise of it.

In a private estate the title is held good, if it came by just descent, or else by Gift or Purchase, from those who had that right therein, and if it hath quietly and happily passed the third and fourth Generation, he that hath read the 2d Commandment will be ready to yield him (the proprietor) Gods approbation for it. But if it be made evident, that no good title can be produced against it, that it hath so continued time out of mind, without apparent usurpation, the owner hath indeed Gods title to it.

The reason is the same and much stronger for Princes. The Doctrine of the Scripture concerning the Original of Dominion. pag. 76. Grotius de jure Belli & Pacis. lib. 2. c. 4.

I do not observe that he hath any where determined in this piece, when, and how far Subjects are bound to submit to an Usurper. But I will give the best judgment, I can, in it. First then, I say, taking an Usurper in the right Notion, for one that hath no lawful, or just Title, the Subjects are bound to resist him, and stand for the Lawful Heir, and his Posterity, as long as they are, or can be known, as far as is possible without apparent destruction. But if the Right Heir, or Family fail, or is extinguished; then that Obligation fails, and the Event is to

be taken as the declaration of the Will of God, and the Heirs of the Usurper will have a good Title against any other Person, or Family, in the World; who can have no right to Usurp upon them, because their Ancestors did so upon another preceding Family. And this is for the Peace, and Welfare of the World. And that Injury, which Usurpers do, is reserved to the Justice of a Righteous, and Almighty God, who will punish them severely in the next world, if they escape in this: But on the other side, if there should be left an Eternal Liberty to Subjects, and other men, to revenge from one Generation to another, one Usurpation with another, the World would be turned into an *Acelanda*, a Field of Blood, to the ruine of many thousands of poor innocent souls.

His last Complaint in this Paragraph is, That, according to Sir R. F. *None must oppose His (the Princes) Will, but the Persons, and Estates of His Subjects must be indispensably subject unto it.* Now, if by Opposing be understood Resisting, I yield him the point; and I think it is the only point, in which he hath truly represented Sir R. Filmer's Judgment.

** Licet singula per se spectata (Communitates) perfectæ sunt: tamen illæ, quæ est pars alterius, sub hac ratione imperfecta est, non absolute, sed comparatè, seu respectivè. Suarez de leg. L. 1. c. 7. Sect. 12.*

Now, in Answer to this, I say, 1st. That in every Society, or Community under Heaven, that is * perfect within it self, and doth not depend upon another, there must be an absolute and uncontrollable Power fixed some where, which may

indispensably, and irresistably dispose of the Estates, and Persons of the Subjects within that Society, or Community. For if every man be left at liberty to dispose of his own Estate, and Person, as he pleaseth himself, then can he have no Protection but what his own Natural Force will afford him, and that will certainly be overpowered at one time or other, by others.

Without this, there can be no justice Administred within the Society; for if every particular man may be Judge in his own case, the right will certainly be asserted on both sides, tho' it really can be but on one; no Malefactor will ever condemn himself, nor submit to Justice, if he can and may resist, and if a War happen, every man will be for saving his own Goods from the expence, his own Person from the danger of it. And the Consequence must be, that that Society, or Multitude rather, must perish, either by Internal disorders, or External force.

2^{ly}. This Power is, and must be One, in every Society, it is indivisible; for supposing, that it should be divided in the same Society into

into two, or more parts, as betwixt two men, or two Senates, or Councils, without any dependence upon one another, or any third thing; the Consequence must needs be, that they differing, and opposing one another, and having no lawful Power fixed in either of them to oblige the other to submit, must have recourse to force and Arms, and so that Society can never rest, till this Supreme Sovereign power be reduced to One.

Now whether it be in a single person, or in many, or in all, where ever it is lodged, none must oppose, that is, resist it. And yet no man can assure himself of more Justice from a Senate, or a Multitude, than from a Prince, or single Person. So that this inconvenience of being liable to Oppression, and Injury, is one of those ** Humane Miseries*, that upon the Fall took possession of the World, and can never be purged out of it, till the final Conflagration.

Nor would Resistance, if it were lawful, cure, but increase the Mischief; for upon that supposition, the injured Party must be his own Judge, and so must the other too, and the Tryal must be by dint of Blows, Force, and Arms: And so there could be no Law, but that of the Sword, no Execution, but Martial.

So that when God commanded every soul, by the Apostle, to be subject to the Higher Powers, and threatned Damnation to them that Resist, it is not to be thought (nor can it without Blasphemy) that he did not foresee, that the Higher Powers would some times grievously injure, and oppress their Subjects, nor was it because he did approve of their Injuries, and Oppressions, but because he knew it was better for Subjects to suffer patiently, than to resist rebelliously, to be Martyrs than Traytors; and he also thereby engaged himself, (who only is able) to revenge those Wrongs, which Subjects neither might, nor could revenge without their own ruine.

Now if he (Mr. Sidney) did not know, that he might not publish his Opinion to the contrary of these things, he was very ignorant, but ignorantia Legis excusat neminem, especially when the ignorance is wilful, or but pretended, that a man may with impunity instill Seditious Principles into the Rabble.

I might as freely, and as publickly have declared my Thoughts, and the reasons upon which they were grounded, and I perswaded to believe: That God had left Nations unto the liberty of setting up such Governments, as best pleased themselves.

Now tho' this is directly contrary to Sir R. Filmer and the truth of things, yet if Mr. Sidney had gone no further, he might possibly have died of a Natural death, but this would not serve his turn, except he left the Multitude at liberty to change the form of Government, which was set up, as often as they pleased, as I shall shew before I conclude.

But then this Proposition gives the lie to the whole History of the Creation, delivered by Moses. For if God laid the foundation of Mankind, in one single Person Adam, and out of him, and after him, and for him, made Eve, then was she Subject naturally to him. And

Rom. 13. 4. Both Sidney, the Minister is in the singular Number, to shew God is not the Author of contending Powers, and the Instrument is so too, thus said, the Sword not Swords, to shew there should be but one, in every Nation, nor can there be more of God's appointment.

** Levat dolorem communis quasi legis, et humane conditionis, recordationis. Cicer. Fam. Ep. 1.6. Ep. 6.*

Rom. 13. 1.

Magistratum & civilem Ordinationem DEVS instituit sub ipsam statim creationis tempus, quando potestatem tradidit Adæ in ea Omnia quæ in Terra & Mari sunt. Calvini Lexicon Jurid. verbo—Magistratus. It is observable, God gave Adam this Dominion before Eve was Created. Gen. 1. 26. So he had no right but from Adam; and by his permission and Gift.

much more his, and her Children, and by Consequence during his Life, there could be no other Form of Government set up, but that of a Natural Monarchy, or Supreme Father, which God himself had thus introduced, and took in all Mankind.

And when Adam died, his Authority died not with him, for God had before determined on whom it should descend, when he told en-

gaged Cain, that his brother Abels Desire should be subject to him, and he should rule over him, Gen. 4. 7. By which words, God gave the Elder brother the same Authority over all the younger Children, he had given Adam before over his Wife, Gen. 3. 16. Which must be understood to take place after the death of the Father. So that here is an Hereditary Monarchy settled by God himself in the very infancy of Mankind, as Sir R. Filmer hath proved more at large.

And it belongs to Mr. Sidney, and such as he, to shew when, and how Nations, or, more properly speaking, the Subjects in Nations, obtained this Liberty. The first Nations, after the Flood, had distinct Fathers, and are called the Children of their Founder, and were no otherwise subject to him, than as they were his Children, and it is apparent, that for many hundreds of years, all the Governments of the World were Monarchies, and that the first Kingdoms were very small, and hereditary.

Now such a beginning of Mankind, and such a propagation of them, is not consistent with Mr. Sidneys Liberty of setting up what Government best pleased themselves; why were not Adams Children left at liberty after his death? Why should God subject Eve to her husband, Abel to Cain, if he were such a lover of Equality? Was it not as easy to have made 20000 Men and Women as one, and would they not have peopled the World, in much less time than one Man, and his Wife? Nay, why did he not make one of either Sex here at first, as he did in all the other Creatures? Sir R. Filmer will give you the reason of this, p. 30. out of St. Chrysostom, *God made all mankind of one Man, that he might teach the World, to be Governed by a King, and not by a Multitude.*

Now if any man will pretend to oppose Reasons, against plain matter of Fact recorded, he will discover nothing but his folly, if he own the Bible for the Word of God; his impiety, if he deny it.

I conclude then, if the Multitude have any such liberty now, they had it not from the beginning, and therefore their Advocates must produce their Charter, and make good their Title, or else I can see no more reason to believe them, than the Devil, when he told our Saviour, *All this Power will I give thee, and the Glory of them, for that is delivered to me, and to whomsoever I will, I give it.* The Devil hath put in his Claim too, and pretends a Deed of Gift, and, I believe, can as easily produce it, as the People can theirs.

2. That Magistrates were set up for the good of Nations, not Nations for the Honour or Glory of Magistrates.

This

This depends upon the former, and therefore doth not deserve an answer, and yet because much stress is laid upon it of late, I will reply to it: The Term of Magistrate is very improper in this place, because it denotes a Subordinate * Governour, and is not applyable to a Sovereign Prince.

* Quibus imperium ita datum est, ut redderent, & ab iis legibus datum est, ad quas revertendum est. Cicero loco infra citat.

In the next place, I see no opposition between the two parts of his Adversative Proposition, because they are both true in the copulative form. *For Magistrates [Kings] are set up for the good of Nations, and Nations for the Honour, and Glory, and Service of Magistrates.* Thus Eve, and all her Children, were produced for the Good of Adam. God said, it is not

Ac mihi quidem videntur hac omnia esse referenda iis, qui præsunt aliis, ut ii, qui erant eorum imperatores, sunt beatissimi, &c. Est autem non modo ejus, qui sociis & civibus, sed etiam, ejus qui servis, qui multis pecudibus præsist, eorum, quibus præsist, commodis utilitatibusque servire, Cicero. Epist. ad Quint. Frat. l. 1. E. 1. Sure no man will hence infer, the Flock is to be preferred before the Shepherd.

good that the Man should be alone: I will make him a help meet for him, Gen. 2. 18. And she was the first Subject, and if she were made for her Husbands sake, not he for hers, the Children will appear by the same reason, to be born for the Honour, Safety, and Service of the Father, and not the Father made for theirs: And when Families grew to Nations, still the Reason and Nature of the thing was the same.

In short, if God be the Author and Giver of Kingdoms, this Argument is a sham, a delusion; if he be not, but they are of Humane Institution, then there may be something in it. But because the first of these contradicts the whole current of Scripture, therefore it will take more time to prove it to an Unbeliever, than I can spare now; and to others it need not be proved.

3ly. *That the Right and Power of Magistrates in every Country, was that, which the Laws of that Country made it to be.*

Now this is just as wise, as that which went before, for how came Countiers by Laws? Were Princes before Laws, or Laws before Princes? did the Multitude first make Laws, and then chuse Princes to execute them? Or did Princes give Laws to their Subjects? Were our *English* Laws for instance, made by our Princes or no? Go to the Heathen, and he will tell thee, *At first the People were not under Laws: The Wills of Princes served instead of Laws.* Go to *Spelmans* Collection of Ancient *Saxon* Laws, and see if you can find one, that was made by the People without the Prince. So that this is a very silly Proposition, and the Allegiance which we owe to our Sovereign, and our Ancestors ow'd to his, is the cause of our submission to the Laws, and not the Laws, the cause of our submission to him, and them.

Justin. lib. 1

4ly. *That those Laws were to be observed, and the Oaths taken by them, having the force of a Contract between Magistrates, and People, could not be violated without danger of dissolving the whole Fabrick.*

Now suppose all this be granted, what follows? Why nothing, but that Princes should be as careful, as is possible, to keep their Laws in exercise, and not to break their Oaths. Well, but suppose a Prince should not observe his Oath or Laws: What then? Or suppose he do, and such Subjects, as you, will not be satisfied, but will belie and slander him to his People, as one that hath those about him, that intend

to bring in Popery and Arbitrary Government? Well, suppose in the next place the poor People take the fright, and believe all this; what then? Why this will indanger the dissolving the whole Fabrick. But will the People have right hereupon to rise and punish the King? Must he expect that the performance will be exacted, or revenge taken by those, he hath (as they pretend) betrayed? Here lies the difference betwixt you, and Sir R. Filmer. Tho' I must tell you, our Kings do not commence their Reigns from the time of their taking of the Oath, but from the moment of the Expiring of their Predecessors, and are Sovereigns before, and without this Oath. Which is an odd kind of Contract, given and made after the party concerned, and bound, is in full and peaceable Possession, and which, if he should deny, the other party have no power to exact. Upon the breach of which there lies no Action, but in Heaven: God being the only Judge. In short, it is like the Oath God sware to Abraham, a condescension to humane infirmity, to allay mens Fears, and excite their Love, Fidelity, and Gratitude.

That Usurpation could give no Right.

This Proposition, if it be joyned to what follows, viz. That if Pipins Usurpation on the Merovean Race, Hugh Capets on the Carleline Family, being Acts of State, (i. e. made with the consent of the People) be not good, there is not a King in the World, that hath any Title to the Crown he bears, &c. seems to be thus understood by Sidney. *That no duration of time, be it never so long, can give a right to that Family, whose Ancestor came in by Usurpation.* Than which nothing in the World is more false, except it be that proposition, that all the Kings in the World are derived from Usurpers. For it is apparent to all, that our King is not; this Family being derived from the Saxon Line, who were Princes before the Normans entered England, and although there have been several Usurpations in the Line; yet the Line was never changed thereby, but His Majesty is descended from all that ever had a Right to the Crown of England, whose Posterity is not extinct. So that there is never a Person in the whole World, whose Ancestor was put by, to make way for his Majesties Ancestor. And it may be, tis the most Antient Race of Kings, that is upon the face of the Earth, God preserve it for ever.

He has another odd notion, which I believe is his own. *That tho' a Prince, who hath no Title, puts by, or puts out one, that hath an undoubted Title to an hereditary Kingdom. Yet if he have the consent of the People, (which he calls an Act of State) he is no Usurper, because he obtains the Crown by the consent of a willing Nation, Than which there can be nothing more injurious to hereditary Kingdoms, where as the true Notion of an Usurper, is, one that obtains the Possession of a Throne, to which he hath no rightful Title, whether he come in by the consent of the People, or without it, by Force, Fraud, or Faction.*

And

Declaratur. jus
Creditoris, sed
coactio legum non
est ob statum
eorum, quibus
cum negotium
est: Nam Sub
ditis, cogere eum
qui sunt Subditi,
non licet, &c.
Grot. de Jur.
Belli: lib. 2.
cap. 14. Sect.
6. n. 2.

* Cerdicus primus West Saxonum Rex
Gente Germanus, amplius Majoribus, quippe a
Wodeno decimus, Will. Mal. l. 1. cap. 2.
de cujus stirpe multarum Provinciarum regum
genus originem ducit. Bede: Eccl. H. 1. cap.
15. from thence West Saxon Kings his Ma-
jesty is descended. H. the 2d. being the
Grandchild of Mildis, which was the
Daughter of Margaret Queen of the Scots,
the Sister of Edmund, the last Male of the
West Saxon Line. Alfredi Ginealog. Regum
Anglorum. H. 2. Editio, inter Decem Strip-
tices. Pag. 350.

Grot ac 1 Bell.
l. 2. c. 4. Sect.
14.

And the most Dangerous of all Enemies unto Kings were they, who raising their Power to an exorbitant height, allowed unto Usurpers all the Rights belonging to it.

This is oddly penn'd, and it is probable, when I have proved Sir R. Filmer to be none of them, it will be pretended, some other Persons were meant, though it can scarcely be understood of any other than he, and such as found all Government in Paternal Power.

Sir R. Filmer thus declares his Judgment, pag. 23. *The Authority that is in any one, (a Prince) or in many, (an Aristocracy) or in all, (a Democracy) is the only Right and Natural Authority of a Supreme Father.* Which is as much, as if he had said, Humane Power ought never to rise above the Spring-head. The highest that God Ordained in the World amongst Men, was Paternal Power: And this is no such formidable, exorbitant thing, as Mr. Sidney would bear the World in hand. I cannot better express this, than in the words of Seneca.

*What is the Duty of a Prince? That of kind Parents: Who use to chide their Children sometimes sweetly, and at other, with more sharpness, and sometimes correct them with blows. Did ever any wise man dis-inherit his Son for his first Offence? Except many and great injuries Conquer his Patience, unless that which he fears for the future, be greater than what he Condemns as past, he doth not come to a final Sentence. He first tries by many ways to Reclaim his unsettled Manners, declining to the worse; and only proceeds to extremities when he despairs. No Parents proceeds to * Extirpation, till he hath in vain spent all other Remedies. That which becomes a Parent, becomes a Prince: Who is stiled THE FATHER OF HIS COUNTRY, without flattery. In all our other Titles we consult their Honour. We have call'd them the Great, the Happy, the August, and heaped upon Ambitious Majesty all the Titles we could invent, giving these to them: But we have stiled him the Father of his Country, that the Prince might consider the Power of a Father was given him. Which is the most Temperate of all Powers, consulting the Welfare of the Children, and preferring their Good before its own. It is a long time before a Father can resolve to cut off one of his own limbs, and when he hath unwillingly done it, could wish it on again; and in the Act groans, and delays a long time before he doth it. For he seems to Condemn willingly, who does it quickly; to punish unjustly, who doth it too severely. The People of Rome, in our memory, almost slew Erixion, a Gentleman, in the Market-place, for having scourged his Son to death; for the Authority of Augustus Cæsar could hardly deliver him from the enraged Hands of the Roman Fathers and Children.*

This was the Opinion of that great Philosopher, and Minister of State, in that piece he writ on purpose to perswade Princes to Clemency. And for my part, I have ever thought Gods love and kindness to Mankind, did never appear in any thing more, except in mans Redemption, than in Creating only one Man, and out of him, only one Woman*: So that Adam was a kind of Father of his Wife. That Marital as well as all other Power, might be founded in Paternal Jurisdiction. That all Princes might look upon the meanest of their Subjects

Ad Clem. lib.
1. cap. 14.

* Supplicia.

* Filiam non filiam Uxor'em dicit Eman. Theaur. de Adamo.

Subjects as their Children: And all Subjects upon their Prince, as their common Father: And upon each other, as the Children of one Man, that Mankind might not only be vnitd in one common Nature, but also be of one Blood, of one Family, and be habituated to the best of Governments from the very Infancy of the World.

* Siquidem est
atrocius Patriæ
parentem, quam
suam occidere:
Cicero Philip.
2d. 4.

Were this well considered, as there could be no Tyrants, so neither would there be any * Traytors and Rebels, but both Prince and People would strive to out do each other in the Offices of Love and Duty.

And now let any man read Sir R. Filmer's *Patriarcha*, and see if he have ascribed one dram of Power to Princes, which will not naturally spring, and arise from Supreme Paternal Power. Which how much soever Mr. Sidney may dislike it, is no Exorbitant height.

As to the second period, or member of this Paragraph, the allowing unto Usurpers, all the rights belonging unto Princes, upon which Mr. Sidney so enlargeth himself, in displaying the mischiefs that follow it, I have formerly set forth Sir R. Filmer in his own words, by which it will appear, how little reason, he hath given for such a declamation.

For first he calls it a judgment of God, for the correction of the Prince or a Punishment of the People.

2ly. Tho' in this he acknowledgeth God's justice, yet he declared the Act to be sinful, and damnable in them that do it.

Now if this will make a Man a most dangerous Enemy unto Kings, how yet can Mr. Sidney pretend to correct him, who in this very paper allows the expulsion of Tarquin, the insurrection against Nero, the Slaughter of Caligula, and Domitian, to be good Acts of State; and will not allow Pipin, and Hugh Capet to be Usurpers, because they did it by the Consent of Willing Nations? So that we may set our hearts at rest, for there never was, nor ever shall be an Usurper, except such as having good Titles do not think it necessary to Cajole the People, but presuming upon that, enter the Government without the Leave of Mr. Multitude.

He concludes his reasons against Usurpers, Thus. *This is the Scope of the whole Treatise; (viz. That, part of which was at the Tryal produced against him) the Writer gives such reasons as at present did occur unto him to prove it. This seems to agree with the Doctrines of all times, Nations, and Religions; the Best and Wisest of all Kings have ever acknowledged it.—the Scriptures seem to declare it; &c.*

Now it is a little wonderful, that he should be so well acquainted with a piece that was Counterfeit, and laid in his Study; but yet it is much more wonderful, that there should even seem (tho' but to him) to be such an Agreement about the power of the People, in setting up such Governments as best pleased them; that the People are judge of all differences that happen between them and their Prince; that he must be content to submit his Interest unto theirs, since he is no more then any one of them, in any other, Respect than that, he is by the Consent of all, raised above any other.

Tryal p. 23.

Now if these, and several other be such doctrines as he describes, i.e. Approved in all Ages, Nations and Religions, then will I never trust my

my Eyes more. Let but the Reader consult Sir R. Filmer's *Patriarcha* and he will stand amazed at the confidence, prejudice, or partiality of this man.

Indeed the Heathen Philosophers, and Historians, being ignorant of the true History of the Creation, do generally seem to think, that Regall power (which they all own to have been the first form of Government,) was introduced by the consent of the People, and thus *Cicero* de leg. lib. 1. cap. 2. expresseth it, All the Ancient Nations obeyed Kings, which sort of Dominion (Empire) they (the people) gave at first to the most Just, and Wifest men.

But with Christianity this Doctrine expired; and all the Fathers and Ancient Christians without exception, looked upon God as the Author of Kingly Government, and the Giver of Kings, I will quote only one, St. *Augustin*. "God, the Author and Giver of Happiness, "because he only is the true God, gives himself earthly Kingdoms "both to the Good, and to the Bad, and this not inconsiderately, and "as it were by chance, because he is God, and not Fortune; but "according to the Order of things and times, which is secret as to "us, but most perfectly known to him. And this was the Doctrine of all Christians, till *Pope Zachary* revived the old Heathen Doctrines, to justifie the Deposition of Childerick, and Election of *Pipin* in France. The King (saith he) is Obnoxious to the People by whose favour he enjoys whatsoever he hath, that is, he received from them his Power, Honour, Riches, Glóry, and Dignity. The Multitude (*Plebs*) makes a King, and may DEPOSE him. A Learned man of our Country, cites this passage, and saith, that for ought he knew, he was the first Divine, or *Pope* of Rome either, that said so, or writ so. De Civit. dei li. 4. cap. 33. So in all probability, here is the first Christian Author of Mr. *Sidney's* Doctrine about the middle of the 7th Centry. How, and for what ends it was imbraced by the School-men, and after them by the Presbyterians, you may find in the beginning of the *Patriarcha*. Aven. l. 3. Annal. Boiarie. Sacro Sancta regum Majestas p. 26.

The 'rest deserves just as much Credit as this doth, and might most easily be answered, if it were worth the while.

There is one thing more he quarrelled Sir R. *Filmer*, for at his Tryal. p. 33. He saith, it is the same thing, whether (a Prince be) of Age or no, a Man, or a Child, of Sense, or out of Sense.

And so doubtless it is, as to the right, tho' not as to the exercise of that right, thus Sir R. expresseth it, by this means (Succession) it comes to pass, that many a Child, by succeeding a King, hath the right of a Father, over many a Gray-headed Multitude, and hath the Title of *Pater Patriæ*. pag. 20. Est tamen eo quaque tempore Filius aut Filia, capax Domini in res ex jure gentium, Sed Exerctium impeditur ob judicii imperfectionem, &c. Grot. de jur. Bell. l. 2. c. 5. Sect. 1. n. 2.

Of this the Scriptures give several Examples, and some of them have proved excellent Princes, But then such Princes have ever had Guardians, or Protectors.

But this Gentleman seems to yield the Point, when he saith, unless be (any Prince) could deduce his pedigree from the Eldest Son of Noah, and shew, that the succession had still continued in the Eldest of the Eldest Line, and been so deducted to him.

Why, what if a Prince could do this? then it seems Mr. *Sidney* would allow him a right to his Crown without the consent of the people; which

which must be by the right of Primogeniture, and Nature. Well, there is certainly such a man in the World, how came the people in every Nation by his right?

If any Prince should pretend a Right to an Universal Monarchy, I think it were but reasonable, he should be put to make out his Title, according to Mr. *Sidney's* Rule; but seeing no body does so, to the best of my knowledge, it is but reasonable that all Princes should in the mean time enjoy what they are in lawful possession of, till this Heir of *Noah* hath make out his Pedigree and Title, and then they may consider further of it.

And in the interim, Mr. *Sidney* will certainly be wiped out of Mr. *Multitudes* Calendar of Saints, and Martyrs, for thus betraying their Cause to the Kings, and Princes of the World, who will never now willingly surrender their Crowns, and Scepters, but still pretend (when all other Arguments fail) they keep them to the use of *Noah's* Heir general.

Thus I have, with as much brevity as I could, answered what ever I have remarked, in this Paper or the Tryal, that doth particularly relate to Sir *R. Filmer*; and if the Reader will but be pleased to read that piece himself, it will abundantly satisfy him, that all Mr. *Sidney's* Clamour against it is causeless, and unreasonable, the sole Effect of passion, interest, prejudice, and such other humane infirmities.

For tho' this is a *Posthumous* piece, and for want of the last hand of that Learned Gentleman, is not so full, and perfect as he might have made it, yet there are such threads of Learning, Truth, Modesty, Loyalty, and Prudence, run through every part of it, that the Reader will think his pains abundantly recompensed.

F I N I S.
